

REMARKS

Office Action Summary

Applicant notes that in the Office Action Summary page of the Office Action dated May 18, 2004, the Examiner indicates that the Office Action is responsive to “communications filed on 07 April 2003” and only Claims 2, 3, 5, 9, 18, 19, 21, 24, 33-35 and 37-40 are pending in this application.

Applicant respectfully disagrees with this information and points the Examiner to the Statement of Interview submitted by the undersigned on or about June 9, 2003, confirming the telephone conversation with the Examiner on May 12, 2003, that the May 2, 2003, Amendment will be entered. Further, in a telephone conversation with the Examiner on May 29, 2003, the Examiner agreed with the undersigned that the Interview Summary dated May 14, 2003, should read “... Amendment filed ~~4/15/03~~ 5/2/03 will be entered.” Further, according to the Applicant’s records, the following claims are pending in this case: 2-16, 18-35, and 37-40.

Claim Objections

Reconsideration is requested of the Examiner’s objection of Claim 18 regarding the term “said top surface.” Claim 18 is amended to depend on claim 38, which previously introduces such term. Therefore, this objection is believed to be moot.

Claim Rejections - §112

Reconsideration is requested of the Examiner’s objection of Claims 2-3, 5, 9, 33-35, 37-40 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner interprets the claims as a coupling device only and treats the structural limitations of the support member as part of the preamble.

Independent claims 38 and 39 are amended to be combination claims that positively claim the support member. Therefore, this rejection is now moot.

Claim Rejections - §102

Reconsideration is requested of the Examiner's rejection of Claims 2-3, 5, 9, 18, 19, 21, 25, 33-35, 37-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,869,154 to R.L. Sanchez. The Examiner relied on the Sanchez reference for disclosing all the elements of independent Claims 38 and 39.

A claim is anticipated under 35 U.S.C. §102(b) only if "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended claim 38 discloses a combination coupling device for positioning at least one electrical wire-carrying conduit and a supporting member for securing said coupling device to a structure above said coupling device,

said supporting member comprising a stem having a free end portion adapted to engage said conduit,

said coupling device comprising a tubular member having opposed axially aligned ends, each of said ends adapted to receive one end of a conduit, and said tubular member having a top surface and an aperture through said top surface for engaging said free end portion of said stem of said supporting member, wherein ***said supporting member is positioned above said aperture on said top surface of said tubular member.***

Similarly, amended claim 39 discloses a combination coupling device for positioning a pair of electrical wire-carrying conduits and a supporting member for securing said coupling device to a structure adjacent said coupling device,

said supporting member comprising a stem having a free end portion,

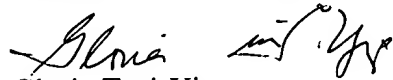
said coupling device comprising an integral tubular member having a generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of said ends adapted to receive one end of one of the pair of a conduit, and said tubular member having

an aperture through said tubular wall into said interior space, *said free end of said stem engaging said aperture to support said tubular member and is positioned in said interior space of said tubular member sufficient to engage said ends of said conduits received through said opposite ends of said tubular member.*

The Sanchez reference fails to disclose, at least, the above elements shown in ***bold and italics***. The hole 20 of the Sanchez device is to receive a tubular fluid carrying member 23 for connection with pipe coupling 11 such that a flow can be achieved from the tubular member 23 to the pipe coupling 11. Col. 3, lines 21-28. The purpose and construction of the Sanchez device differs significantly from the present invention, which provides “a supporting member comprises a stem having a free end portion adapted to engage said conduit.” Claim 38. The stem of the present invention is not for achieving a flow between the stem (which is non-tubular) and the coupling, but for engaging at least one conduit. Therefore, the Sanchez reference fails to teach “each and every element” of amended claims 38 and 39 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, claims 2-16, 18-35, and 37-40 are not anticipated by the Sanchez reference.

By virtue of the Applicant’s amendment to the claims and remarks thereto, all outstanding grounds of rejection and objection have been addressed and dealt with and, based thereon, it is believed that the application is now in condition for allowance and such action is respectfully solicited.

Respectfully submitted,



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